

DELTA PROTECTION COMMISSION

14219 RIVER ROAD
P.O. BOX 530
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PHONE: (916) 776-2290
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December 9, 1993

To: Delta Protection Commissioner
From: Margit Aramburu, Executive Director
Subject: Agenda Item No. 7; Marine Patrol Legislation

Chairman Torlakson, who was unable to attend the last Commission meeting due to an emergency, has requested that the attached resolution regarding proposed marine patrol legislation be reconsidered.

The Boards of Supervisors of Contra Costa, Sacramento and San Joaquin Counties have adopted the language as shown in the proposed resolution (see Exhibit A).

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**DRAFT RESOLUTION ON PROPOSED MARINE PATROL FUNDING LEGISLATION**

WHEREAS, the Delta is of great importance to the recreational needs of the residents of five Delta Counties and others who wish to visit the Delta, and

WHEREAS, the Delta is also an important source of jobs and income for many residents of five Delta Counties, and

WHEREAS, the peaceful use of the Delta requires that all users abide by existing laws, and

WHEREAS, an increasing number of individuals fail to abide by the law when operating vessels on the waters of the Delta, thereby interfering with the recreational and vocational uses of the Delta, and

WHEREAS, maintaining the peaceful use of the Delta requires that the Sheriffs in the five Delta Counties have adequate financial and personnel resources to properly patrol the Delta and enforce the laws pertaining to the operation of vessels within the Delta, and

WHEREAS, the five Delta Boards of Supervisors have had to reduce funding to the Sheriff's Marine Patrol services to the point that a critical shortage exists and it is no longer possible to provide even minimally adequate levels of service to those of our residents who wish to enjoy the proper and safe use of the Delta;

WHEREAS, the Delta Protection Act directs the Commission to develop in consultation with all law enforcement agencies having jurisdiction in the Delta, a strategy for the implementation of a coordinated marine patrol system throughout the Delta which will improve law enforcement and coordinate the use of resources by all jurisdictions to ensure an adequate level of public safety;

NOW THEREFORE BE IT RESOLVED BY THE DELTA PROTECTION COMMISSION THAT:

The Delta Protection Commission agrees to support legislation which would increase the vessel registration fee from the current \$5 to at least \$15, with all of the proceeds of the increased fee being dedicated to the Sheriff's Marine Patrols and related services provided by the five Delta Counties, and

BE IT FURTHER RESOLVED THAT the Delta Protection Commission also agrees to support legislation which would increase the vessel registration fee for personal watercraft (jet skis) from the current \$5 to at least \$25, with all of the proceeds of the

increased fee being dedicated to the Sheriff's Marine Patrols of the five Delta Counties, and

BE IT FURTHER RESOLVED THAT the Delta Protection Commission also agrees to sponsor legislation which would provide for a separate funding formula for the expenditure of the vessel registration fees which should go to the five Delta Counties (Sacramento, San Joaquin, Contra Costa, Solano and Yolo), with the funds to be allocated among the five counties according to a formula to be devised by and concurred in by all five counties.

OFFICE OF THE COUNTY ADMINISTRATOR
C O N T R A C O S T A C O U N T Y

Administration Building
651 Pine Street, 11th Floor
Martinez, California 94553

DATE: November 8, 1993
TO: DELTA MARINE PATROL FUNDING STRATEGY GROUP
FROM: Claude L. Van Marter, Assistant County Administrator
SUBJECT: SUMMARY OF MEETING TO DISCUSS MARINE PATROL
FUNDING STRATEGY

Following are my notes regarding what we discussed and agreed to pursue in terms of funding for Marine Patrol Services in the 5-County Delta area at our meeting in Supervisor Torlakson's Office on November 5, 1993. If those of you who were present have any disagreement with any of the following, please let me know as soon as possible.

REVIEW OF DATA:

We reviewed the survey information that had been submitted by all of the counties except Yolo. Capt. Rommel from Yolo County promised to submit their data very soon. A question was raised about whether the distribution of the personal property tax on vessels was affected by the property tax transfer from counties to the schools in the 1992-93 and 1993-94 fiscal years. Claude Van Marter promised to check with his Auditor-Controller to clarify this since the data from the counties appear not to treat this issue in the same manner.

Following further discussion of this issue, it was agreed that each Sheriff would prepare a narrative description of the county's Marine Patrol Service which would touch on the following:

- ✓ What is being done now and what staff is available? This should include the number of deputies, number of boats, number of hours and days per week that are staffed on the water at various times of the year.
- ✓ Approximately how much money would be generated from the proposed registration fee increase, assuming a \$10 increase for all vessels except personal watercraft (jet skis) and a \$20 increase for personal watercraft?
- ✓ What would this fee increase buy in the way of improving the number of staff hours on the water, the number of boats on the water, etc? In other words, what does the public get from the increased registration fee?

This information should be sent to the following:

Warren E. Rupf
Sheriff-Coroner
Contra Costa County
County Administration Building - 7th Floor
651 Pine Street
Martinez, CA 94553

Supervisor Tom Torlakson
300 E. Leland Road, Suite 100
Pittsburg, CA 94565

FEE INCREASE LEGISLATION:

Following discussion of the provisions which should be included in the bill, it was agreed that this piece of legislation would do the following:

- o Increase the vessel registration fee from \$5 to \$15 for all vessels except personal watercraft (jet skis).
- o Increase the vessel registration fee from \$5 to \$25 for all personal watercraft.
- o Exempt this increase from the provision of Vehicle Code § 9863 and direct that it be forwarded to each county on the basis of the address of the owner of the vessel.
- o Require that this increased revenue be allocated by each Board of Supervisors to the Sheriff for Marine Patrol Services.
- o Provide for a modified maintenance of effort so there could be only limited replacement of existing funds with this new revenue.
- o Make these provisions, including the fee increase, applicable only in Contra Costa, Sacramento, San Joaquin, Solano and Yolo counties.

We agreed not to exclude any categories of boats from the fee increase.

Each county is urged to get a Resolution from its Board of Supervisors agreeing to co-sponsor this bill and the other bill which is discussed below. San Joaquin already has such a Resolution adopted by its Board of Supervisors. Contra Costa County's Board of Supervisors will be asked to adopt a similar

Resolution on December 7, 1993. It would be helpful if each of the other counties could get a similar Resolution by the middle of December. It would also be helpful for each Sheriff to agree to co-sponsor this bill with the boards of supervisors and Delta Protection Commission.

Attached is draft legislation to accomplish what we believe the group intended. Your comments and reactions to the specific details of the bill will be appreciated.

FORMULA MODIFICATION LEGISLATION:

While there was discussion of a number of issues which might be touched on in this legislation, we do not believe that the group arrived at any detailed consensus on what should go into this bill. There was discussion of a reduction in the requirement that a county be spending the equivalent of 100% of the personal property tax proceeds from vessels before being eligible to receive any of the funds from the Harbors and Watercraft Revolving Fund. This might be reduced to 50%. It was noted that there is so little available from this source (the \$2 portion of the vessel registration fee) that even a reduction to 50% might not be worthwhile for some counties. It was also noted that a reduction in the percentage requirement would make additional counties eligible and could, therefore, reduce the amount that other counties are currently receiving. To remedy this problem, there was discussion of a further increase in the \$5 registration fee to perhaps \$10, with this increase being treated the same as the current \$5 registration fee.

One caution about increasing the registration fee too much is that certain vessel owners can "document" their boat under federal regulations for a one-time fee of something like \$150 and thereby escape all State registration fees.

It was noted that the Delta Protection Commission is interested in pursuing pollution in the Delta. Sheriff Rupf suggested that the Delta Protection Commission draft language on what they would like to see in the way of pollution enforcement so the Sheriffs could review it. It was also noted that we might want to consider deputizing Fish and Game Officers so they could issue citations in the Delta when they witness a law violation.

It was suggested that the city representatives on the Delta Protection Commission contact the cities in the Delta, particularly those with marinas and seek their support for these two pieces of legislation.

In view of the lack of specifics for this legislation, we have drafted what is, essentially, a "spot bill" which can be introduced and then amended later when we reach agreement on what exactly should go into this bill. The attached draft bill simply reduces

the requirement for the expenditure of the equivalent of 100% of the personal property tax proceeds to 50% in order to qualify for funds from the Harbors and Watercraft Revolving Fund.

OTHER ITEMS:

The Delta Protection Commission will be asked to co-author both bills at their next meeting.

Arrangements will be made for Supervisor Torlakson and Sheriff Rupf to meet with Senator Johnston and perhaps Senator Boatwright and Assemblyman Rainey in December to discuss authorship of these two bills.

No additional meeting of this group has been scheduled at this time.

It was noted that Congress is now considering providing new funding to get police officers on the streets to increase law enforcement presence. It might be possible to use the increased registration fee revenue as a match for the federal funds, thereby doubling the value of the registration fee revenue.

Also attached is a chart showing the amount of new revenue each county would receive under the proposed legislation.

Also attached is a table showing what each county's maintenance of effort level would be and what the minimum level of funding would be under the proposed legislation.

ESTIMATE OF ANNUAL REVENUE FROM PROPOSED FEE INCREASE
(Subject to revision as additional data becomes available)

COUNTY	Contra Costa	Sacramento	San Joaquin	Solano	Yolo
Total Vessels ¹	37,401	42,817	22,141	13,569	5,673
Jet Skis ²	2,765	?	1,060	381	?
X \$20	\$55,300		\$21,200	\$7,620	
Vessels Minus Jet Skis ³	34,636		21,081	13,188	
X \$10	\$346,360		\$210,810	\$131,880	
Totals	\$401,660	\$428,170 ⁴	\$232,010	\$139,500	\$56,730 ⁴

¹ From Department of Motor Vehicle Records.

² From Sheriff's Department Records - estimates in some cases.

³ These figures are not adjusted to eliminate fee exempt vessels.
Eliminating them will reduce projected revenue slightly.

⁴ Plus upward adjustment of \$10 for each jet ski.

MAINTENANCE OF EFFORT REQUIREMENT FOR FEE LEGISLATION

(Subject to revision as additional data becomes available)

CONTRA COSTA COUNTY:

1992-93 Program Expenditures =	\$212,521
50% of 1992-93 Personal Property Tax =	\$229,000
Maintenance of Effort =	\$212,521
Approximate Fee Revenue =	\$401,660
Maintenance of Effort plus Fee Revenue=	\$614,181*
1992-93 Funding plus Fee Revenue =	\$614,181**
Sheriff's Desired Level of Funding =	\$936,787

SACRAMENTO COUNTY:

1992-93 Program Expenditures =	\$558,700
50% of 1992-93 Personal Property Tax =	\$260,174
Maintenance of Effort =	\$260,174
Approximate Fee Revenue =	\$428,170+
Maintenance of Effort plus Fee Revenue=	\$688,344+*
1992-93 Funding plus Fee Revenue =	\$986,870+**
Sheriff's Desired Level of Funding =	\$825,000

SAN JOAQUIN COUNTY:

1992-93 Program Expenditures =	\$507,400
50% of 1992-93 Personal Property Tax =	\$257,622
Maintenance of Effort =	\$257,622
Approximate Fee Revenue =	\$232,010
Maintenance of Effort plus Fee Revenue=	\$489,632*
1992-93 Funding plus Fee Revenue =	\$739,410**
Sheriff's Desired Level of Funding =	\$612,393

SOLANO COUNTY:

1992-93 Program Expenditures =	\$379,793
50% of 1992-93 Personal Property Tax =	\$ 72,322
Maintenance of Effort =	\$ 72,322
Approximate Fee Revenue =	\$139,500
Maintenance of Effort plus Fee Revenue=	\$211,822*
1992-93 Funding plus Fee Revenue =	\$519,293**
Sheriff's Desired Level of Funding =	\$379,793

YOLO COUNTY:

1992-93 Program Expenditures =	\$?
50% of 1992-93 Personal Property Tax =	\$?
Maintenance of Effort =	\$?
Approximate Fee Revenue =	\$ 56,730+
Maintenance of Effort plus Fee Revenue=	\$? *
1992-93 Funding plus Fee Revenue =	\$? **
Sheriff's Desired Level of Funding =	\$?

* This would be the minimum legal level of funding under our proposed legislation.

** This would be the level of funding if there were no supplanting of funds from the 1992-93 funding levels and the new revenue were simply added to the 1992-93 funding level.

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Attachment

PROPOSED LEGISLATION TO FUND THE SHERIFF'S MARINE PATROL
IN THE FIVE DELTA COUNTIES

SECTION 1. Section 9860 of the Vehicle Code is amended to read:

Certificates of number shall be renewed before midnight of the expiration date every year by presentation of the certificate of number last issued for the vessel or by presentation of a potential registration card issued by the department. The Except as provided in Section 9860.1, the fee for renewal shall be five dollars (\$5) per year and shall accompany the request for renewal. If the certificate of number and potential registration card are unavailable, a fee as specified in Section 9867 shall not be paid.

SECTION 2. Section 9860.1 is added to the Vehicle Code, to read:

(a) The fee for renewal shall be fifteen dollars (\$15) per year for vessels other than those classified by the department as personal watercraft and shall accompany the request for renewal.

(b) The fee for renewal shall be twenty-five dollars (\$25) per year for vessels classified by the department as personal watercraft and shall accompany the request for renewal.

(c) If the certificate of number and potential registration card are unavailable, a fee as specified in Section 9867 shall not be paid.

(d) This section shall be applicable only to vessels registered in the counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo.

SECTION 3. Section 9863 of the Vehicle Code is amended to read:

(a) Except as provided in subdivision (b) and Section 9863.5, all fees received, except moneys collected under Section 9875, pursuant to this chapter shall be deposited in the Harbors and Watercraft Revolving Fund and are appropriated for the administration of this chapter. Any of ~~such~~ the money in the Harbors and Watercraft Revolving Fund in excess of the amount determined by the Director of Finance, from time to time, to be necessary for expenditure for the administration of this chapter shall be available for expenditure in accordance with Section 85.2 of the Harbors and Navigation Code.

(b) All money derived from the increase in fees required pursuant to this chapter by the amendment of Sections 9853, 9855, 9860, 9867, and 9901 enacted at the 1980 portion of the 1979-80 Regular Session of the Legislature shall be deposited in the Harbors and Watercraft Revolving Fund and is continuously appropriated for support of local boating safety and enforcement programs as provided in Section 663.7 of the Harbors and Navigation Code.

SECTION 4. Section 9863.5 is added to the Vehicle Code, to read:

(a) Notwithstanding Section 9863, all moneys derived from the increase in fees required pursuant to this chapter by the enactment of Section 9860.1 shall be allocated to an eligible county by the Controller, based on the address of the owner of the vessel so that each eligible county receives \$10 for each vessel not defined as a personal watercraft by the department which is registered with an address in that county.

(b) Notwithstanding Section 9863, all moneys derived from the increase in fees required pursuant to this chapter by the enactment of Section 9860.1 shall be allocated to an eligible county by the Controller, based on the address of the owner of the vessel so that each eligible county receives \$20 for each vessel which is defined as a personal watercraft by the department which is registered with an address in that county.

(c) The department shall not be entitled to receive any of these additional fees to reimburse it for the cost of administering this chapter.

(d) All funds received by a county pursuant to this section shall be allocated by the board of supervisors to the sheriff of that county for boating safety and enforcement programs on waters under the jurisdiction of the sheriff and shall be used to restore or enhance boating safety and enforcement programs as defined in Harbors and Navigation Code Section 663.7 (a).

(e) Funds received by a county pursuant to this section shall not be counted as aid to the county for the purposes of allocations provided pursuant to Harbors and Navigation Code Section 663.7.

SECTION 5. Section 9863.6 is added to the Vehicle Code, to read:

(a) For purposes of Section 9863.5, "eligible county" means Contra Costa, Sacramento, San Joaquin, Solano and Yolo counties, providing that the board of supervisors of the county has adopted a resolution certifying that for any fiscal year in which it wishes to receive funds from the vessel registration fee increase pursuant to Section 9860.1 it has budgeted for the Sheriff's Marine Patrol services in that county not less than the smaller of the following:

(1) the amount spent on these services during the 1992-93 fiscal year, as defined in Section 663.7 (a) of the Harbors and Navigation Code;

(2) fifty percent of the amount received by the county from personal property taxes on boats in the most recently completed tax year.

LEGISLATION TO REVISE THE FORMULA FOR RECEIPT OF FUNDS
FROM THE HARBORS AND WATERCRAFT REVOLVING FUND

SECTION 1. Section 663.7 of the Harbors and Navigation Code is amended to read:

- (a) Each county of the state is entitled to receive state financial aid for boating safety and enforcement programs on waters under its jurisdiction as provided in this section. A boating and safety and enforcement program, as used in this section, includes search and rescue operations, recovery of drowned bodies, enforcement of state and local measures for regulation of boating activities, inspection of vessels, and supervision of organized water events.
- (b) An entity other than a county, including the Department of Parks and Recreation, is entitled to receive aid for boating safety and enforcement programs on waters under its jurisdiction through the county in which it lies, and that aid shall be counted as aid to the county; except that aid provided under subdivision (d) for boating and enforcement programs of the Department of Parks and Recreation for waters under its jurisdiction shall not be counted as aid to a county.
- (c) The amount of aid for which a county or other entity or agency is eligible under this section shall not exceed the total cost of its boating safety and enforcement program needs, less 50 percent of the moneys derived from personal property taxes on boats and fees charged for inspection of vessels for equipment, capacity, seaworthiness, or pollution control, as determined in accordance with a formula prescribed by the department. The department's formula shall specify the number of square miles of boating waters and the amount of use which will require one safety patrol unit and shall express such unit in terms of its cost.
- (d) Aid for boating safety and enforcement programs shall be made available to the Department of Parks and Recreation for waters under its jurisdiction in accordance with a boat entry unit cost factor derived by dividing the most recent annual boat entry count into the maximum amount available and appropriated for those programs in the 1969-70 fiscal year. Budgets for those programs shall be estimated for each fiscal year and adjustments shall be made thereto for the previous year in accordance with the actual boat entry count as it becomes available multiplied by the boat entry unit cost factor. The amount thus determined shall be available to the Department of Parks and Recreation from the Harbors and Watercraft Revolving Fund.
- (e) Entities or agencies desiring aid under this section shall submit applications to the department at least six months prior to the period for which aid is required. Applications shall be in the form and contain the information that the department may require.

(f) Within 90 days after the close of any period for which aid is received, the entity or agency shall submit to the department a statement of the expenditures actually incurred, in the form and containing the information that the department may require.

(g) The department shall be responsible for the administration of this section, and may adopt rules and regulations that may be necessary to carry out its provisions. The department shall make periodic evaluations of the effectiveness of programs receiving aid under this section.

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(b) The resolution shall be forwarded to the Controller by September 15 of a fiscal year before the Controller releases any funds to the county pursuant to Section 9863.5.

(c) Any funds which are received for a county listed in Section 9860.1 (d) which has not forwarded a resolution to the Controller pursuant to subdivision (b) shall be allocated by the Controller to other eligible counties in proportion to the amounts otherwise allocated to the other eligible counties in that fiscal year.

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1. The first part of the document is a list of the names of the persons who were present at the meeting. The names are listed in alphabetical order.

2. The second part of the document is a list of the topics that were discussed at the meeting. The topics are listed in alphabetical order.

3. The third part of the document is a list of the actions that were taken at the meeting. The actions are listed in alphabetical order.